

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN MESSINGER,	:	ECF
	:	
Plaintiff,	:	13 Civ. 2444 (AJN)(MHD)
	:	
- against -	:	NOTICE OF MOTION TO
	:	DISMISS THE AMENDED
JPMORGAN CHASE BANK, N.A.,	:	COMPLAINT IN PART
	:	PURSUANT TO FED. R.
Defendant.	:	<u>CIV. P. 12(b)(6)</u>

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PLEASE TAKE NOTICE that, upon the Amended Complaint, filed May 15, 2013, the Declaration of Frederic L. Lieberman, executed June 3, 2013, the accompanying memorandum of law, and all the prior pleadings and proceedings heretofore had herein, Defendant JPMorgan Chase Bank, N.A., will move this Court before the Honorable Alison J. Nathan, United States District Judge, at the United States Courthouse, 40 Foley Square, Courtroom 906, New York, New York 10007, for an order and judgment, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing the Amended Complaint in part on the ground that the First Cause of Action asserted in the Amended Complaint fails to state a claim upon which relief can be granted, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Civil Rule 6.1(b), Plaintiff's answering affidavits and opposing memorandum must be served upon the undersigned Defendant's counsel within fourteen (14) days after service of the moving papers.

Dated: June 3, 2013

JPMORGAN CHASE LEGAL DEPARTMENT

By: 

Frederic L. Lieberman, Esq.

Attorneys for Defendant JPMorgan Chase
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New York, New York 10019
(212) 425-2600
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN MESSINGER,	:	
	:	
Plaintiff,	:	ECF
	:	
- against -	:	13 Civ. 2444 (AJN) (MHD)
	:	
JPMORGAN CHASE BANK, N.A.,	:	<u>CERTIFICATE OF SERVICE</u>
	:	
Defendant.	:	

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I hereby certify that on June 3, 2013 I caused a copy of the following documents:

**NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT IN PART
PURSUANT TO FED. R.CIV. P. 12(b)(6),**

**DECLARATION OF FREDERIC L. LIEBERMAN PURSUANT TO
28 U.S.C. § 1746 IN SUPPORT OF DEFENDANT'S MOTION
TO DISMISS THE AMENDED COMPLAINT IN PART
PURSUANT TO FED. R. CIV. P. 12(b)**


and

**DEFENDANT'S MEMORANDUM OF LAW
IN SUPPORT OF ITS MOTION TO DISMISS THE
AMENDED COMPLAINT IN PART**

to be served by First Class Mail directed to the attorneys for Plaintiff at the following address:

Walker G. Harman, Jr., Esq.
The Harman Firm, PC
200 West 57th Street
Suite 900
New York, New York 10019

Dated: June 3, 2013



Frederic L. Lieberman, Esq.